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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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RINES AND SHAW
81 NORTH STATE STREET
CONCORD, NH 03301

EXAMINER

CHOW, CHARLES CHIANG

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 09/05/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/235,606

Applicant(s)

DUVALL ET AL.

Examiner

Charles Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

**Office Action for
Applicant's Amendment
(7/14/2003)**

1. Regarding applicant's amendment for claims 1, 14, 17, based upon the no teachings for the GPS constellation position data radio communication; the user's GPS receiver for transmitting of requested GPS information over control channel to said control center, the grounds of rejection has been changed to include Brewster et al. (US 5,960,337).

Brewster et al. (also as Brewster in below) teaches the GPS constellation position data radio communication. Because Brewster teaches (in Fig. 1; col. 6, lines 6-35) the SATPS satellite constellation having satellites 41, 43, 45, 47, for GPS position data radio system, for the emergency assistance service EAS (abstract, Fig. 1-7; col. 4, line 38 to col. 5, line 30).

Brewster teaches the transmitting of location information on a control channel used by the cellular phone (as shown in col. 9, lines 50-61).

Regarding the transmitting of the GPS location information, it has been shown in last office action that Johnson discloses the activating the GPS receiver (220), in response to receipt of radio signal (communication signal with central 103), to receive and process location data from the GPS satellite constellation for the vehicle and to activate the cellular phone transceiver-transponder 213 to transmit the processed location data to control center for reporting of the position to central monitor 103 (col. 23, lines 10-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,986,543) in view of Brewster et al. (US 5,960,337), and further in view of Hollenberg (US 6,091,956).

Regarding **claim 1**, Johnson discloses a method of voice (cellular handset's verbal communication to security system, col. 3, lines 6-10) and positional location data radio communication over a cellular phone network (the transmitting location data using cellular phone system, col. 4, lines 34-38) having cellular radio voice channel (operator talk to the occupants of a vehicle, col. 12, lines 4-8; for identifying the occupant himself, col. 12, line 17-20).

Johnson discloses the voice communicating with a network operations control center (the operator's conversation from central station talks to identify the occupant in the vehicle, above) that comprises user voice calling the control center (the verbal command from cellular telephone 211, col. 3, line 6-10) from a portable cellular telephone location (211 in the vehicle) over the cellular voice (verbal) path.

Johnson discloses the user verification (using the camera to verify driver, col. 6, lines 24-41).

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Johnson discloses the providing a radio transponder (cellular phone transceiver 213, col. 5, line 1-17), GPS receiver (220) and microprocessor module (CPU 401 for control communication unit 201, col. 7, lines 46-60) at said (vehicle 200) location.

Johnson discloses activating the GPS receiver (220), in response to receipt of radio signal (communication signal with central 103), to receive and process location data from the GPS satellite constellation for the vehicle and to activate the (213 cellular phone transceiver) transponder to transmit the processed location data to control center (report position to central monitor 103, col. 23, lines 10-21).

In the above, it does not clearly indicate the GPS constellation position data radio communication; the user's GPS receiver for transmitting of requested GPS information over control channel to said control center,

Brewster teaches the GPS constellation position data radio communication. Because Brewster teaches (in Fig. 1; col. 6, lines 6-35) the SATPS satellite constellation having satellites 41, 43, 45, 47, for GPS position data radio system, for the emergency assistance service EAS (abstract, Fig. 1-7; col. 4, line 38 to col. 5, line 30). Brewster teaches the transmitting of location information on a control channel used by the cellular phone (as shown in col. 9, lines 50-61). Brewster teaches an efficient emergency location service utilizing GPS satellites for locating user, such that the system can accurately determine of the user location (col. 4, lines 24-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Johnson, and include Brewster's transmitting

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location information and GPS satellite constellation, such that the system could accurately determine the user's location.

Regarding the transmitting of the GPS location information, it has been shown in last office action that Johnson discloses the activating the GPS receiver (220), in response to receipt of radio signal (communication signal with central 103), to receive and process location data from the GPS satellite constellation for the vehicle and to activate the cellular phone transceiver-transponder 213 to transmit the processed location data to control center for reporting of the position to central monitor 103 (col. 23, lines 10-21).

In the above it does not clearly indicate the requesting location information for the associated transmitting of location data from control center to user.

Hollenberg teaches the requesting location information (the wireless system provides service for the current location information requested by the user, abstract, figure in cover page, Fig. 3, Fig. 4, Fig. 1, Fig. 5; col. 11, lines 48-56). Hollenberg teaches the associating of the transmitted location data (the location information from pedestrian mobile device 18e using received satellite GPS 22g, Fig. 3, col. 14, lines 31-57) requested by user's voice call at the control center, and sending location service information from the control center to the user (the received estimated location information and display the estimated location on the handheld computer-wireless comm. device 2b, col. 11, lines 31-33; col. 24, lines 12-14). It would be obvious to include Hollenberg's transmitting location information to display on

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pedestrian's wireless device 2b, to Johnson, such that the system could be efficient to provide location information to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and include Hollenberg's transmitting location information to display on user's wireless device 2b, to Johnson as modified above, such that the system could be efficient to provide location information to the user.

Regarding **claim 2**, Johnson has shown above the user location is in the vehicle for using the cellular telephone 211. Johnson also shown above the CPU processor module 401 is in vehicle.

3. Claims 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Brewster, Hollenber, and further in view of Sheffer (US 5,515,419).

Regarding **claim 3**, Hollenberg has shown above for the user is a pedestrian at which user is provided with a personal cellular phone and said module (Fig. 3, col. 14, lines 32-37; col. 14, lines 49-57; col. 13, line 66 to col. 14, line 35, Fig. 3, 4, 1, 5).

Sheffer teaches the located at another personal user location (Sheffer, Fig. 10, portable 110 is at home, in car or carried by pedestrian). Sheffer teaches the utilization of control channel to compute the portable 110's approximate location (col. 3, lines 29-32). Sheffer teaches the tracking system for the pedestrian carrying cellular phone unit (title; col. 19, lines 44-65) such that the system will protect the carried portable phone 110 no matter it is at car, at home or carried by pedestrian (col. 19, lines 44-65) such that the field response vehicle FRU would locate the pedestrian carried the portable phone 110 using a separate channel for the direction

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finding unit 182, a separate channel for the FRU and monitoring station 103, and microwave link 17 to central office 19. Sheffer teaches the separate location process using the cellsite's control channels, the path through central office 19, microwave link 17, the monitoring station 14, the direction finder 182, the field response vehicle FRU for locating the portable phone 11 carried by the pedestrian. It would be obvious to include Sheffer's movable cellular phone and the separate control channel for vehicle 180, to Johnson, such that the system could be upgraded to be improved by having the cellular phone separate from the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and include Sheffer's movable cellular phone and the separate control channel for vehicle 180, to Johnson, such that the system could be upgraded to be improved by having the cellular phone separate from the vehicle.

Regarding **claim 4**, Hollenberg has shown the associated location data in the situation information system received over the control channel from 18e for requested current location information and is effected by the user identification password at logon for displaying the location information (col. 24, lines 7-13).

Regarding **claim 5**, Johnson the movement/tampering alarm sending in his intrusion detection alarm activation. Johnson considers the control and communications unit is connected to several intrusion detection devices. In response to the detection of the violation of an intrusion detection device, the calling unit establishes communication link to the central monitoring station (abstract). Regarding the process GPS location data, the verifying occupant in the vehicle; the over the control channel; with the predesignated cellular phone

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211; the central monitoring communicating with the cellular phone 211, referring to claim 1 above.

Regarding **claim 6**, referring to examiner's comment in claim 1 above for the method for the communication over the cellular network using cellular transceiver 213, antenna 215.

Referring to claim 1 above for the sensing unauthorized; the providing a GPS receiver at vehicle location; the apart from the presence or absence of user, activate the processed GPS data with user verification to central center with pre-designated phone called by control center.

Regarding **claim 7**, referring to examiner's comment in claim 1 above for the system for the voice and positional location data over cellular phone having voice and control channel; the portable telephone voice calling to control center over voice path for location information; the sending radio signal from control center over control channel path as shown in Shefer, for locating the portable phone 110; the provided GPS receiver and microprocessor CPU 410 with cellular transponder 213 (Johnson); the processed location data over control channel using control channel to locate the Sheffer's portable 110 using FRU vehicle; the sending associated location data to user on display (Hollenberg).

Regarding **claim 8**, referring to examiner's comment in claims 1, 2 above for the user location is in vehicle and module is provided in vehicle.

Regarding **claim 9**, referring to examiner's comment in claims 1, 3 above for the pedestrian; or the another person location is provided with a cellular phone and said module.

Regarding **claim 10**, referring to examiner's comment in claims 1, 4 above for the effected by the PIN information at the control center.

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Regarding **claim 11**, referring to examiner's comment in claims 1, 5 above for the movement/tamper alarm; the activating GPS transponder; the user identification verification; the means for associating request to the location data; the means for calling, communicating, the alarm from control center to that phone 110 carried by the pedestrian.

Regarding **claim 12**, referring to examiner's comment in claims 1, 6, 7 above for the system for the vehicle location and operations control center having control channel path; the means for sensing unauthorized movement/tempering at the vehicle; the apart from user's presence or absence; the activating GPS transponder; the process GPS location data; the transmitting said data with identification verification; the associating received location information from 18e to control center; the predesignated phone; the communicating of the alarm calling from control center to pedestrian phone.

Regarding **claim 13**, referring to examiner's comment in claims 1, 5 above for the designated phone 110 carried at the control center by pedestrian for tracking the portable phone from the technique from Sheffer; the automatic activation by Johnson's cellular transponder 213 to the central monitoring station 103 as the same carrier reply transponder signals.

Regarding **claim 14**, referring to examiner's comment in claims 1 above for the cellular phone voice call; the control center radio data channel path; the providing transponder, GPS, microprocessor at location; the received, processed location data and transmitted to control center; the transmitted associated location data to user.

Regarding **claim 15**, referring to examiner's comment in claims 1 above Hollenberg has shown the sending location data service from center to the user over assigned user voice channel (col. 18, lines 38-44).

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Regarding **claim 16**, referring to examiner's comment in claims 1 above from Sheffer for the data channel path (of the central office 19, the microwave link 17) uses the control channel of the cellular voice network, using control channels (Fig. 10).

Regarding **claim 17**, referring to examiner's comment in claims 1, 7 above for the voice channel path; the data radio channel path; the requesting user location and other information; the sending a radio signal from control center to user location to verify occupant; the transponder GPS receiver; the process location data from GPS satellite; the activating the transponder; the location data over data channel path; the sending location services information from control center to user with user call request.

Regarding **claim 18**, referring to examiner's comment in claims 1, 15 above for the location services data is sent from the control center over voice channel path to user (Hollenberg's col. 18, lines 38-44).

***Response to Arguments
And
Conclusion***

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's arguments for based upon the no teachings for the GPS constellation position data radio communication; the user's GPS receiver for transmitting of requested GPS information over control channel to said control center, the grounds of rejection has been changed to include Brewster et al. (US 5,960,337).

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Brewster teaches the GPS constellation position data radio communication. Because Brewster teaches (in Fig. 1; col. 6, lines 6-35) the SATPS satellite constellation having satellites 41, 43, 45, 47, for GPS position data radio system, for the emergency assistance service EAS (abstract, Fig. 1-7; col. 4, line 38 to col. 5, line 30). Brewster teaches the transmitting of location information on a control channel used by the cellular phone (as shown in col. 9, lines 50-61).

Regarding the transmitting of the GPS location information, it has been shown in last office action that Johnson discloses the activating the GPS receiver (220), in response to receipt of radio signal (communication signal with central 103), to receive and process location data from the GPS satellite constellation for the vehicle and to activate the cellular phone transceiver-transponder 213 to transmit the processed location data to control center for reporting of the position to central monitor 103 (col. 23, lines 10-21).

In view of above disclosures, claims 1-18 are remaining in the rejected manner.

5. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2684. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

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Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D. C. 20231

Or Faxed to: (703)-872-9306 (for formal communications intended for entry) Or hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor, Receptionist.

For general inquiry or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703)-306-0377.



Charles Chow

August 25, 2003.